IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 926 of 2005

IN

COMPANY PETITION NO. 65 OF 2005

Via World Wide .. Appellant

versus

Nimbus Communications Ltd .. Respondents

...

Mr. S.A.Diwan a/w Mr H.Toor i/b Indian Law Services for appellant

Mr. Anil Menon for the respondents

CORAM : R.M. LODHA AND
D.G. KARNIK, JJ

DATED : 18th November 2005.

P.C.:

. Heard Mr.Shyam Diwan, the learned Senior Counsel for the appellant and Mr.Anil Menon, the learned counsel for the respondent.

2. There is no admitted liability by the respondent company. As a matter of fact, there is serious dispute by the respondent company in respect of the appellant's claim. We are informed that the appellant has already filed the suit against the respondent Company for recovery of the due amount. The respondent Company in its affidavit has stated that it is solvent company. There is no denial to this aspect by the appellant. Taking all these factors into consideration, we are of the view that the Company Judge did not commit any error in dismissing the Company Petition.

3. No interference is called for. Appeal is dismissed in limine.

(R.M. LODHA, J)

(D.G. KARNIK, J)